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fka The Bank of New York as Trustee for the  
Certificateholders CWALT, Inc., Alternative  
Loan Trust 2005-3CB Mortgage Pass-Through  
Certificates, Series 2005-3CB*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

THE BANK OF NEW YORK MELLON FKA  
THE BANK OF NEW YORK AS TRUSTEE  
FOR THE CERTIFICATEHOLDERS CWALT,  
INC., ALTERNATIVE LOAN TRUST 2005-  
3CB MORTGAGE PASS-THROUGH  
CERTIFICATES, SERIES 2005-3CB.

**Plaintiff,**

V.

HIGHLAND RANCH HOMEOWNERS ASSOCIATION; KERN & ASSOCIATES, LTD; TBR I, LLC; AIRMOTIVE INVESTMENTS LLC; DOE INDIVIDUALS I-X, inclusive, and ROE CORPORATIONS I-X, inclusive.

## Defendants.

Case No. 3:16-cv-00436-RCJ-WGC

## ORDER REGARDING EXCESS PROCEEDS

The Bank of New York Mellon fka The Bank of New York as Trustee for the Certificateholders CWALT, Inc., Alternative Loan Trust 2005-3CB Mortgage Pass-Through Certificates, Series 2005-3CB (**BoNYM**), Highland Ranch Homeowners Association (**Highland Ranch**), and Airmotive Investments, LLC (**Airmotive**), hereby stipulate and agree that the excess proceeds from the HOA foreclosure sale, which the parties understand is being held by the State of California as unclaimed property in the amount of \$22,893.92 be handled as follows:

1       1. BoNYM's counsel shall request the excess proceeds from the unclaimed property  
 2 division on behalf of BoNYM, to be held in trust by BoNYM's counsel pending resolution of the  
 3 underlying claims.

4       2. The parties agree they do not waive any defenses by BoNYM recovering the excess  
 5 proceeds from the State of California, and that by obtaining the excess proceeds BoNYM does not  
 6 concede either that its deed of trust survived or did not survive the sale. Rather, the parties believe it  
 7 is beneficial to all parties involved that the excess proceeds be preserved until a final determination  
 8 is made in this action.

9       DATED this 24<sup>th</sup> day of August, 2020.

**AKERMAN LLP**

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22      **LAXALT & NOMURA, LTD.**

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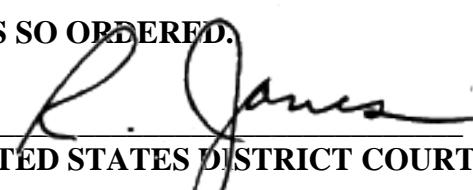
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 31      Association*

32      **ROGER P. CROTEAU & ASSOCIATES, LTD.**

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40      *Attorneys for Airmotive Investments LLC*

41      **IT IS SO ORDERED.**

42        
 43      **UNITED STATES DISTRICT COURT JUDGE**

44      **DATED: September 1, 2020.**